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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,631	11/01/2001	Andre F. A. Fournier	44375/24:1	4087

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Stoel Rives LLP
900 SW Fifth Avenue Ste 2600
Portland, OR 97204-1268

EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/016,631	FOURNIER ET AL.	
	Examiner	Art Unit	
	Tilahun B Gesesse	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 14-26 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-13,27,29-31,33 and 36-51 is/are rejected.
- 7) ☐ Claim(s) 32,34 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/7/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to applicant's amendment filed January 7, 2005, in which claims 1, 5-13, 27,29-51 are pending.

Claim Objections

2. Claim 38 is objected to because of the following informalities: unrelated term cited in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,5-9,11-13,27,30-31,44-46 are rejected under 35 U.S.C. 102(e) as being anticipated by **Preston** et al (US patent No. 6,681,121)"Preston".

Regarding claim 1, Preston discloses a method of wireless communication of digital data (abstract) comprising:

Preston discloses providing a mobile unit (14 of figure 2) comprising an accessory device (IBS mode 28) coupled to a wireless telephone handset (14) and

Art Unit: 2684

operable to communicate in a plurality of alternative modes of digital wireless communications including at least one a voice mode for establishing a call over a voice channel (column 2, lines 41-column 4, line 7 and figure 2) operating the mobile unit to assess at least a selected characteristic of each of the alternative modes (digital or voice) based on the assessment,(search) determining a preferred mode (column 7, 23-50) and if the preferred mode is the voice mode transmitting data via the voice mode without significant interruption human speech communications over the same voice channel call (column 9, line 35-45 and figure 14).

Regarding claims 5-6, Preston discloses the selected characteristic is selected from a group of characteristics comprising return signal strength (column 7, line 58-column 9, lines 7)

Regarding claims 7-9, Preston discloses transmitting the data to a call center for processing, and receiving from the call center a communication including digital data based on the transmitted data (column 2, line 54- column 33, line 5).

Regarding claim 11, Preston discloses transmitting occurs in response to a communication received via the wireless telecommunications network from a location remote from the mobile unit (receiving a location data from GPS abstract).

Regarding claims 12-13, Preston discloses the mobile unit determines its location and transmitting location information in response to the received communication (column 1, line 52-60).

Regarding claim 27, Preston discloses a call center (CTSS 38) having a server connected to the Internet (column 2, lines 54-column 3, line 5 and figure 1) and to a

Art Unit: 2684

wireless communication network (CTSS 38) the call center being portable to communicate with a remote unit via a plurality of modes selected from the group of modes (digital or voice) voice and data calls via the wireless communication network (CTSS 38). wherein the call center is operable to receive location information from the remote unit d to process the location information to generate location information in a second format'. and the call center is further operable to transmit the second format information back to the remote unit (column 2, lines 54-column 3, line 5 and figure 1).

Regarding claim 30, Preston discloses the call center is operable to query the remote unit to initiate the remote unit determining its own location, and to transmit the location information back to the call center (column 2, line 54-column 3, line 5).

Regarding claim 31. **Preston discloses** a method of automatically sending geographic location data from a wireless telephone mobile unit comprising the steps of: at the mobile unit, receiving an external request to send location data; responsive to said external request, obtaining location data from a GPS unit coupled to the mobile unit; determining whether a voice mode is a primary transmission mode for location data transmission; if a voice mode is the primary transmission mode for location data transmission, determining whether a call is currently active; if no call is currently active, establishing a voice mode call to a predetermined call center; converting the location data to a selected format for transmission via the voice mode call; muting the call and then transmitting the location data in the voice channel to the call center (see column 9,

Art Unit: 2684

line 10-54 and figure 14-15). Preston switches from voice to data mode then preston mutes the voice mode and transmit data.

Regarding claims 44-46, **Preston discloses** a method of automatically sending geographic location data from a wireless telephone mobile unit (column and figure 1) comprising the steps of:

Preston discloses obtaining location data from a GPS unit attached to the mobile unit; establishing a voice channel call from the mobile unit to a predetermined call center (column 2, line 54-column 3, line 5).

Preston discloses converting the location data to a selected format for transmission via the voice channel call (see abstract) muting the call and then transmitting the location data in the voice channel call to the call center (upon switching from voice to data then, the voice channel is mute for some time, column 2, line 54-column 3, line 5).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10,29,33,36-43 and 47-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Preston in view of Sheynblat et al (US patent No. 6,677,894).

Regarding claims 10 and 29, 33,36,47-51, Preston does not teach operating the mobile unit to receive a of precision latitude, longitude, heading, altitude, graphical map

Art Unit: 2684

image, pseudo range, and geo fencing criteria. However, Sheynblat discloses operating the mobile unit to receive a of precision latitude, longitude, heading, altitude, graphical map image, pseudo range, and geo fencing criteria (see figure 8). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to locate a precise location, as evidenced by Sheynblat, in order to get as fast as possible the medical or rescue team to the location under emergency call.

Regarding claims 36-39 Preston discloses the external request comprises pressing a button located on the mobile unit (the button 206, pressed in the external IBS and GPS receiver 210 located in the battery pack , column 9, line 20-54).

Regarding claim 40, Preston discloses the query from an entity located remote from the wireless telephone mobile unit is transmitted to the mobile unit via a digital data transmission protocol (column 9, line 20-54).

Regarding claims 41-43, Preston discloses the query from an entity located remote from the wireless telephone mobile unit is transmitted to the mobile unit via an Internet Protocol (column 2, lines 54-column 3, line 5).

Allowable Subject Matter

7. Claims 32 and 34-35 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the feature of claims 34-35, the prior art does not disclose buffering voice signals generated during said muting interval; time compressing said buffered voice

Art Unit: 2684

signals; and replaying said buffered and compressed voice signals immediately after a conclusion of said muting interval so as to minimize loss of voice information.

Response to Arguments

8. Applicant's arguments with respect to claim 1/7/05 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bruno et al (US patent No. 6,226,529) discloses an accessory for portable telephone which provides simultaneously functionality of a hands-free accessory device and a data in voice modem enabling a portable telephone to a hand free conversation at the same time as data (GPS) see abstract.

. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2684

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TILAHUN GESESSE
PRIMARY EXAMINER